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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,241	09/11/2003	Oliver Lerch	P-US-PR 1082	5331
7590	10/25/2007		EXAMINER	
Michael P. Leary Black & Decker Corporation Mail Stop TW199 701 E. Joppa Rd Towson, MD 21286			TSUKERMAN, LARISA Z	
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			2833	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/660,241	LERCH, OLIVER
	Examiner	Art Unit
	Larisa Z. Tsukerman	2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on Amendment dt.and Remarks07/24/07.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
  - 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,7-13,16,17,21,23-26,32-39 and 41 is/are rejected.
- 7) Claim(s) 14,15,27-31 and 42 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7 – 11, 17, 21, 23, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182 in view of Martensson (5923146).

**In regard to claims 1 and 7 - 11,** JP 3037182 discloses an electrical extension lead, comprising a storage structure 1 and an electrical cable (not marked, connected to plug 3) having a first end (not marked) and a second end (not marked), having the first end connected to a plug socket arrangement 4, 5 mounted on the storage structure 1 and arranged for supplying AC electricity to electrical devices (plug 4 for appliances), and with the second end connected to an electrical plug 3 for connection to AC electrical supply sources (see Abstract), characterized in that a battery pack charging assembly 2 (also see a title) is also connected (electrically and mechanically) to the first end of the cable and mounted on the storage structure 1, which charging assembly 2 inherently includes a receptacle for holding and charging removable battery packs for powering electrical devices (appliances through plug 4).

JP 3037182 does not show that the storage structure includes a reel housing and the cable is stored by wrapping it around the storage structure.

Martensson teaches a cable 313 is stored by wrapping it around the cylindrical hollow reel housing 330 ratatably mounted on the housing 304 (as required by present claims 7, 10 and 21, 22, 23), when is not in use; the hollow storage structure 330 (hollow drum as drums 230 and 430) is rotatably mounted within an outer housing 302, which outer housing 302 is formed with a hole 395 through which the cable 313 is extendable.

Martensson use this structure for more convenience way to store the long cable.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to wrap a cable in structure of JP 3037182, as taught by Martensson, in order to store a cable when it is not in use in more convenience and space saving way.

**In regard to claim 8**, JP 3037182 discloses most of invention but silent if the plug socket arrangement 4, 5 is fitted within a first cover portion of the hollow structure and if the battery pack charging receptacle (not shown) is fitted within a second cover portion at the opposite end of the hollow structure. Martensson teaches a well-known reel housing structure comprising a first cover portion 302 and a second cover portion 304. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to suggest that body 1 of JP 3037182 would be comprising of two cover portions 302 and 304, as taught by Martensson, and as a result of that modification the plug socket arrangement 4, 5 would be fitted within/on a first cover portion 303 of the hollow structure and the battery pack charging receptacle is fitted within a second cover portion 304 at the opposite end of the hollow structure, in order to assemble the claimed device and fix or replace parts when needed.

**In regard to claim 9**, JP 3037182 modified by Martensson discloses the second cover portion 304 includes a recess (not marked, area where pins 5a and 5b are located, see Figs.4A-B), which recess extends within the hollow storage structure, the battery charging receptacle inherently is fitted within the recess.

**In regard to claim 17**, JP 3037182 discloses the electrical supply source is a main supply source, as claimed (see abstract).

**In regard to claims 21, 23, 24, 26 and 36 - 38**, JP 3037182 discloses an electrical extension cord assembly for conducting AC power from an AC main electrical source to a corded electrical device, the electrical extension cord assembly comprising: an AC electrical cable (not marked, the cable connected to plug 3) having a first end and a second end; an AC electrical plug 3 connected to the first end of the AC electrical cable for connection to the AC mains electrical source; a housing 1 located proximate to the second end of the AC electrical cable; a plug socket arrangement 4, 5 structurally mounted to the housing 1 and connected proximate to the second end of the AC electrical cable and suitable for electrically connecting to the corded electrical device (plugs for appliances); and a battery pack charging assembly 2 structurally mounted to the housing 1 and connected proximate to the second end (left) of the AC electrical cable and suitable for charging the battery pack of cordless electrical devices. However, JP 3037182 does not show that the housing including a cord storage structure connected to the housing and arranged for holding a portion of the AC electrical cable in a coil. Martensson teaches a

housing 304 including a cord storage structure 330 connected to the housing 304 and arranged for holding a portion of the AC electrical cable 313 in a coil (see Fig.9), the reel 330 is rotatably mounted to the housing 304 and the AC electrical cable 313 is drawn onto the reel by rotation of the reel, and the housing 304 defines a recess and the battery charging assembly/unit (see Abstract) includes a connector (pins in Fig.9) located within the recess (as required by present claims 23, 24, 26). Martensson uses this structure for more convenience way to store the long cable. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to wrap a cable in structure of JP 3037182, as taught by Martensson, in order to store a cable when it is not in use in more convenience and space saving way.

**In regard to claim 36,** JP 3037182 discloses the battery charging assembly 2 is adapted to hold and charge a cordless electric power tool battery pack (not marked).

**In regard to claim 37,** JP 3037182 discloses the AC electrical cable, the AC electrical plug 3 and the plug socket arrangement 4, 5 are rated to be able to provide sufficient electrical power for the simultaneous operation of a plurality the corded electric power tools.

**In regard to claims 38,** JP 3037182 discloses the AC electrical cable, the AC electrical plug 3, and the plug socket arrangement 4, 5 are rated to carry electric power at the voltage of the AC mains electrical source.

Claims 12, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182 and Martensson (5923146), as applied to claim 1 above, and further in view of Comini (6604957).

**In regard to claim 12**, Japanese Utility Model JP 3037182 inherently discloses the receptacle comprises a receptacle housing (not marked, body of assembly 2). However, Japanese Utility Model JP 3037182 is silent if a flexible gasket disposed between the receptacle housing (body of 2) and a portion of the storage structure. Comini teaches a flexible gasket 5 disposed between the housing and a portion of the solenoid in order to protect an inner circuit from environment conditions. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a gasket 5, as taught by Comini, in structure of Japanese Utility Model JP 3037182 in order to protect an inner circuit (not shown) from environment conditions.

**In regard to claim 13**, Japanese Utility Model JP 3037182, when modified by Comini, discloses at least one retainer 6 disposed on the storage structure to prevent disengagement of the gasket.

**In regard to claim 16**, Japanese Utility Model JP 3037182 inherently including a battery charger circuit mounted on the receptacle housing (as part of the battery pack charging assembly 2).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182 and Martensson (5923146) as applied to claim 21, and further in view of Hill (4466581).

**In regard to claim 25**, Japanese Utility Model JP 3037182 include most of invention, except for the housing includes a lifting handle. Hill teaches a housing includes a lifting handle 17 in order to lift a reel 10. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a handle, as taught by Hill, in structure of Japanese Utility Model JP 3037182 in order to lift and carry the reel.

Claims 32 - 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182 and Martenson (5923146), as applied to claim 21 above, and further in view of in view of Liautaud et al. (4558270).

**In regard to claims 32, 33 and 34**, Japanese Utility Model JP 3037182 disclose most of the invention, except it is not clear if the housing 1 includes outer portion and an inner portion, and the battery charging assembly 2 is mounted to the inner portion. Liautaud et al. show a housing which comprising outer portion 11 and an inner portion 70, and how the battery charging assembly 83, 80 is mounted to the inner portion 70; and, as required by claim 33, the inner portion 70 of the housing 11 is flexibly connected to the outer portion by a resilient shock absorber 74 (as required by claim 34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have same structure of housing comprising both outer and inner portions in Japanese Utility Model JP 3037182, as show by Liautaud et al., in order to attach the battery charging assembly to the electrical extension cord assembly in the way to reduce damping.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182, Martenson (5923146) and Liautaud et al. (4558270), as applied to claims 32 -34 above, and further in view of Fencle et al. (5866076).

**In regard to claim 35**, Utility Model JP 3037182 and Liautaud et al. include most of invention, except for the shock absorber is a flexible gasket. Fencle et al. teach both a gasket 400 and a spring 512 as a shock absorber and vibration damper, as alternative equivalents. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute one with another.

Claims 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model JP 3037182 in view of Martensson (5923146).

**In regard to claims 39 and 41**, JP 3037182 discloses an electrical extension cord assembly for conducting AC power from an AC main electrical source to a plurality of corded electrical power tools and for holding and charging the removable battery pack of a cordless electric power tool, the electrical extension cord assembly comprising:

an AC electrical cable (connected to plug 3) having a first end and a second end;

an AC electrical plug 3 electrically connected to the AC electrical cable (not marked, connected with plug 3) at a location proximate to the first end the AC electrical plug connectable to the AC mains electrical source (not shown),

a housing 1 located proximate to the second end of the AC electrical cable, a plurality of electrical sockets 5 located in the housing and electrically connected to the AC electrical cable at a location proximate to the second end (not marked), the plurality of electrical sockets 5 connectable to the corded electrical power tools (intended use); and

a battery charger 2 located in the housing 1 and electrically connected to the AC electrical cable (not marked) at a location proximate to the second end, the battery charger 2 adapted for charging the battery pack of the cordless electric power tool.

However, JP 3037182 does not disclose that the housing includes a reel operable for holding substantially all the AC electrical cable. Martensson teaches a reel 330 operable for holding substantially all the AC electrical cable 313; and the reel 330 is rotatably mounted in the housing 304 and the AC electrical cable 313 is spoolable onto the reel (as required by present claims 41 and 42). Martensson use this structure for more convenience way to store the long cable. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the reel to wrap a cable in structure of JP 3037182, as taught by Martensson, in order to store a cable when it is not in use in more convenience and space saving way.

***Allowable Subject Matter***

Claims 14 –15, 27- 31 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

**Regarding claims 14, 27 and 42,** patentability resides, at least in part, an electrical extension cord assembly comprising: a plug socket arrangement and a battery pack charging assembly mounted to a housing, the housing including a cord storage structure connected to the housing to hold an electrical cable in a coil; a reel is rotatably mounted to the housing, and particularly characterized by a door in the storage structure located adjacent a receptacle assembly.

Even though references separately teach portion of the claimed invention, it would not be proper motivation to combine references to reject the combination, as claimed.

***Response to Arguments***

Applicant's arguments filed 06/24/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner states that it would have been obvious to modify the JP 3037182 in view of Martensson so as wrap the cable of JP 3037182 in the manner taught by Martensson because a cord needs a storage place, which is well known in art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larisa Z. Tsukerman whose telephone number is (571)-272-2015. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571)-272-2800 ex. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.



BRIGGITTE R. HAMMOND  
PRIMARY EXAMINER

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT, 10/17/2007